

SECTION 12

312.001

SHORTAGES, RESTRICTED USES AND HOURS

- A. The City shall not be liable for any deficiency in the supply of water to the customers, whether occasioned by shutting the water off for the purpose of a fire, or alarm of fire or making repairs to an existing water line or construction of a new water line or connections or from any other cause whatsoever. The City is authorized to shut off the water at such time as may be deemed necessary by the Mayor in emergency situations and the water may remain off as long as necessary. Said restrictions imposed by the Mayor shall be confirmed by the City Council at the next regularly scheduled meeting thereof.
- B. The City Council shall have the right to impose reasonable restrictions on the use of the City water system. When it is determined that a shortage of water threatens the City, it may prohibit water use entirely, or limit the times and hours during which water may be used from the City water system for lawn and garden sprinkling, irrigation, car washing, air conditioning and/or other uses. It is unlawful for any water user to cause or permit water to be used in violation of this determination after public announcement has been made specifically indicating the restrictions thereof.
- C. The City Administrator or designated representative shall have the authority to declare the terms and conditions of the water use restrictions. Notice of such emergency measures may be given by publication or posting or such other manner as determined appropriate for the situation. Restrictions shall become effective immediately following announcement of the same. Such emergency measures shall continue until notice of discontinuance is given by the City. The restrictions shall be confirmed by the City Council at the next regularly scheduled Council Meeting.
- D. In case of fire, or the alarm of fire, all hydrants used for irrigation, yards, or gardens must be closed until such fire shall be extinguished.
- E. **Opening Hydrants.** It is unlawful for any person, other than members of the Fire Department or other person duly authorized by the City, in pursuance of lawful purpose, to open any fire hydrant or attempt to draw water from the same or in any manner interfere therewith. It is also unlawful for any person so authorized to deliver or suffer to be delivered to any other person any hydrant key or wrench, except for the purposes strictly pertaining to their lawful use.
- F. **Unmetered Service.** Unmetered water services on the City distribution system within the City are prohibited.

312.002

REGULATING NONESSENTIAL WATER USAGE UPON CRITICAL WATER DEFICIENCY.

- A. **Purpose.** This ordinance establishes water conservation restrictions; and the plan will be in effect at any time the governor declares by executive order a critical water deficiency, pursuant to Minn. Stat. §103G.291.

- B. **Definitions.**

City Clerk-Treasurer in statutory cities means the person assigned duties pursuant to Minn. Stat. § 412.151; or the City manager pursuant to Minn. Stat. §§ 412.601 – 412.751 or in charter cities as determined by City charter.

Department means the City water department.

Emergency means the declaration of a critical water deficiency by the governor.

Irrigation means the watering of shrubs, trees, sod, seeded areas, gardens, lawns, or any other outdoor vegetation, except outdoor vegetation utilized for agricultural purposes.

Notification to Public means notification through local media, including interviews and issuance of news releases.

Public Water Supplier means the City or other entity that owns, manages, or operates a public water supply, as defined in Minn. Stat. § 144.382, subdivision 4.

Reclaimed Water means water collected from rooftops, paved surfaces, or other collection devices and all water utilized more than once before reentering the natural water cycle.

Water Recirculation System means any system which enables a user to reuse water at least once prior to returning the water to the natural water cycle.

C. Application.

1. This ordinance applies to all customers of public water suppliers who own or control water use on any premises.
2. No person shall make, cause, use, or permit the use of water received from a public water supply for residential, commercial, industrial, governmental, or any other purpose in any manner contrary to any provision in this ordinance.
3. Mandatory emergency conservation measures shall be implemented based upon the declaration of a critical water emergency by the governor.

D. Declaration of Critical Water Deficiency. Upon the declaration of a critical water deficiency by the governor, the public water supplier shall immediately post notice of the emergency declaration at the usual meeting place of the City Council, or the official City bulletin board. The City shall provide notification to the public as quickly as possible or through established water supply plans, emergency response plans, or procedures.

E. Mandatory Emergency Water Conservation Measures. Upon declaration of a water emergency and notification to the public, the following mandatory restrictions upon nonessential water use shall be enforced:

1. Outdoor irrigation of yards, gardens, golf courses, parklands, and other nonagricultural land, except for those areas irrigated with reclaimed water, is prohibited.
2. Washing or spraying of sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas with water from any pressurized source, including garden hoses, except to alleviate immediate health or safety hazards, is prohibited.
3. The outdoor use of any water-based play apparatus connected to a pressurized source is prohibited.
4. Restaurants and other food service establishments are prohibited from serving water to their customers, unless water is specifically requested by the customer.
5. Operation of outdoor misting systems used to cool public areas is prohibited.
6. The filling of swimming pools, fountains, spas, or other exterior water features is prohibited.
7. The washing of automobiles, trucks, trailers, and other types of mobile equipment is prohibited, except at facilities equipped with wash water recirculation systems, and for vehicles requiring frequent washing to protect public health, safety, and welfare.

F. Variances. The City Clerk-Treasurer or their designee, is authorized to grant variances to this ordinance where strict application of its provisions would result in serious hardship to a customer. A variance may be granted only for reasons involving health or safety. An applicant may appeal the denial of a variance within five (5) days of the decision by submitting a written appeal to the City

Clerk-Treasurer. The City Council shall hear the appeal at the next City Council meeting. The decision of the City Council is final.

G. Violation.

1. Violations shall be determined and cited by the City Clerk-Treasurer or his/her designee. A violator may appeal the citation within five (5) days of its issuance by submitting a written appeal to the City. The City Council shall hear the appeal at the next City Council meeting. The decision of the City Council is final. Violators may be granted an administrative waiver if evidence is provided that equipment failure was the cause of the violation. A letter from a qualified vendor or equipment invoice will be required to show proof of equipment failure.
2. Upon discovery of a first violation, the violator shall be issued, either personally or by mail, a warning letter that sets forth the violation and which shall describe the remedy and fines for future violations.
3. Upon subsequent violations at the same location, the violator shall be issued, either personally or by mail, a citation that sets forth the violation and shall describe the remedy. Fines shall be added to the monthly water bill of the owner or current occupant of the premises where the violation occurred. The imposition of the fine shall in no way limit the right of the City to pursue other legal remedies.

H. Enforcement. The City Clerk-Treasurer or his/her designee is authorized to designate City employees or law enforcement personnel to enforce the provisions of this ordinance.

I. Severability. If any provision of this ordinance or the application of any provision to a particular situation is held to be invalid by a court of competent jurisdiction, the remaining portions of the ordinance and the application of the ordinance to any other situation shall not be invalidated.